

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

SCOTT USHER, ROBIN USHER,

Defendants.

4:13CR3057

MEMORANDUM AND ORDER

The defendants have moved to continue the pretrial motion deadline, (filing nos. 27 and 29) and the scheduled trial. Scott Usher needs additional time to fully review the discovery received before deciding if pretrial motions should be filed; Robin Usher is awaiting receipt of a report before making that decision. The motion to continue is unopposed. Based on the showing set forth in the defendants' motions, the court finds the motions should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendants' motions to continue, (filing nos. 27 and 29), are granted.
- 2) **As to both defendants**, pretrial motions and briefs shall be filed on or before March 12, 2014.
- 3) **As to both defendants**, trial of this case is continued pending resolution of any pretrial motions filed.
- 4) The ends of justice served by granting the motions to continue outweigh the interests of the public and the defendants in a speedy trial. Accordingly, **as to both defendants**, the additional time arising as a result of the granting of the motions, the time between today's date and March 12, 2014, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

February 11, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge